

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE BEXTRA AND CELEBREX  
MARKETING, SALES PRACTICES AND  
PRODUCT LIABILITY LITIGATION,

No. MDL 05-01699 CRB

**ORDER GRANTING MOTION TO  
WITHDRAW AS COUNSEL AND  
DISMISSING ACTION FOR A  
FAILURE TO PROSECUTE**

*This document relates to:*

John Malatesta, 06-2405 CRB

On June 4, 2007, the Court issued an Order To Show Cause directing plaintiff John Malatesta to show cause as to why (1) his counsel's motion to withdraw should not be granted; and (2) plaintiff's claims should not be dismissed for a lack of prosecution. In particular, the Court directed plaintiff to notify the Court in writing on or before June 22, 2007 of the reasons the withdrawal should not be granted or the case dismissed if plaintiff wished to contest either action. As of the date of this Order, plaintiff has not responded to the Court's June 4, 2007 Order and has not otherwise communicated with the Court. Accordingly, plaintiff's counsel's motion to withdraw is GRANTED and plaintiff's claims are dismissed with prejudice for a failure to prosecute.

**IT IS SO ORDERED.**

Dated: July 10, 2007

/s/  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

**United States District Court**  
For the Northern District of California

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